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*Agency of Human Services*

**Memorandum of Understanding Between the  
Department of Homeland Security, U.S. Immigration and Customs Enforcement,  
Enforcement and Removal Operations and the  
Vermont Department of Corrections Regarding Data Sharing**

**PURPOSE**

The parties to this Memorandum of Understanding (MOU) are the Department of Homeland Security (DHS), U.S. Immigration and Customs Enforcement (ICE), Enforcement and Removal Operations (ERO) and the Vermont Department of Corrections (DOC).

ERO is responsible for identifying, arresting, and removing priority aliens who are incarcerated within federal, state, and local prisons and jails, as well as those under supervision at probation and parole offices, and at-large criminal aliens who have circumvented identification and apprehension. The identification and processing of incarcerated criminal aliens for removal from the United States before release from jails and prisons decreases or eliminates the time these aliens will spend in ICE custody and thus, reduces the overall detention cost to the Federal Government. ERO officers are tasked with identifying and reviewing cases where criminal aliens may be placed into removal/deportation proceedings based upon their violations of the Immigration and Nationality Act. In cooperation with these efforts and in response to the data request from the ERO Boston Field Office to the DOC, this MOU outlines the exchange of information and process by which this assistance in identification will occur.

**A. Responsibilities of the DOC:**

1. Send a daily extract from the DOC database for incarcerated and field-supervised offenders, which contains the following data elements, as defined in the associated Interconnection Security Agreement (ISA):
  - Site
  - DOC Number
  - Offender name
  - Date of birth
  - Place of birth



- Citizenship
- FBI Number
- State ID

**B. Responsibilities of ERO:**

1. Utilize the data file to identify potential criminal alien cases. This involves querying ICE/DHS data systems, including current charges or prior convictions, which makes the alien removable from the United States. If the individual in question has a conviction that makes him or her an enforcement priority, ERO will either issue a detainer or will request that DOC notify ERO when the alien will be released from state custody.
2. Not forward, send, or otherwise give the data file to any other entity or person outside of ICE without the written consent of the Commissioner of the DOC;
3. Ensure data is stored in a secured location (physically and/or electronically); and
4. To the extent that this section does not conflict with any Federal laws, regulations, statutes, or DHS or ICE policies, follow Agency of Human Services (AHS) Information Technology and Electronic Communication policies 5.03 ("Need to Know standard"), 5.05 (Incident Response), and 5.11 (Compliance with IRS Publication 1075-use of federal tax identification).

**C. Common Understanding:**

1. Both parties shall ensure that all staff understands this exchange is for enforcement purposes only. Information exchanged between the parties in any form is to be used only as needed to carry out professional responsibilities.
2. Both parties shall adhere to the AHS IT Interconnection Security Agreement (ISA) which accompanies this agreement.
3. As a matter of Vermont State policy, the DOC **shall not**:
  - a. Enforce an ICE detainer from a federal agency to detain or transfer an individual for immigration enforcement or investigation, unless the request is accompanied by a judicial warrant or recognized exception to the warrant requirement. Such a warrant **must be** signed by:
    - i. A Federal court judge within the judiciary (**not** an administrative law judge), or
    - ii. A Vermont state court judge.
  - b. Detain any individual based on a civil immigration warrant, including any of the following:
    - i. DHS Form I-200;
    - ii. DHS Form I-203;
    - iii. DHS Form I-205; or



- iv. Any administrative warrants listed in the National Crime Information Center Database (NCIC).

#### CONTACT PERSONS FROM EACH PARTY

Role	Name	Title	Email	Phone
DOC Business Contact	Monica Weeber	Director of Admin Svcs	Monica.weeber@vermont.gov	802-598-4112
DOC Backup Business Contact	Gary Dillon	Correctional Facilities & Ops Manager	<u>Gary.dillon@vermont.gov</u>	802-241-0018
DOC IT Contact	Lucas Herring	IT Director	Lucas.herring@vermont.gov	802-505-0564
DOC Backup IT Contact	Tracey Harrington	IT Manager	Tracey.harrington@vermont.gov	802-585-9844
ICE Business Contact	Robert Berger	Supervisory Detention & Deportation Officer	<u>robert.j.berger@ice.dhs.gov</u>	802-527-3801 ext. 252
ICE Backup Business Contact	John Trantum	Deportation Officer	<u>John.T.Trantum@ice.dhs.gov</u>	802-310-0537
ICE IT Contact	Michael Armstrong	Systems Administrator	<u>Michael.R.Armstrong@associates.ice.dhs.gov</u>	802-872-6139
ICE Backup IT Contact	Casey Couture	IT Specialist	<u>Casey.N.Couture@ice.dhs.gov</u>	207-808-6666

#### EFFECTIVE DATE

This MOU is effective upon signature by the Commissioner of the DOC and the Executive Associate Director of ERO.

#### FINANCIAL PROVISIONS

Unless otherwise arranged for in writing, each party intends to bear its own costs in relation to this MOU. This MOU is not an obligation or commitment of funds nor does it serve as a basis for transfer of funds. Expenditures are subject to the parties' respective budgetary processes and availability of funds pursuant to applicable laws and regulations.



The undersigned hereby execute this MOU on behalf of their respective parties.




Lisa Menard

Commissioner, Vermont Department of Corrections



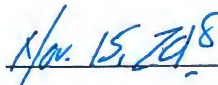
Date



Todd M. Lyons

Acting Boston Field Office Director

ICE, Enforcement and Removal Operations



Date

